

### **Remarks**

#### **I. Response to Rejection under 35 U.S.C. 251**

The Office Action rejected claims 2-4, 9-16, 19 and 21-28 under 35 U.S.C. 251 as being broadened in a reissue application filed outside the two-year statutory period. In support of this rejection, the Office Action states that:


After the Claims 1, 5-8, 17-18 and 20 of the Patent 5,573,414 have been disclosed; the broadest claims in the patent 5,573,414 are 2, 11, 14 and 21. Thus, the applicant is not entitled in the reissue application to include any claims broader than these claims (2, 11, 14, and 21) in the patent.

Applicant respectfully submits that the above-referenced reissue application was filed on January 21, 2004. A disclaimer of claims 1, 5-8, 17-18 and 20 of the original patent was not filed until June 10, 2004 with a Preliminary Amendment – more than four months after the filing of this reissue application. Therefore, since a disclaimer was filed in the patent after the filing of a reissue application, the later-disclaimed claims are considered part of the “original patent” under 35 U.S.C. 251. See MPEP 1412.03. Accordingly, Applicant respectfully submits that the Office Action improperly limits Applicant by restricting the reissue application to any claims broader than claims 2, 11, 14 and 21 in the original patent.

In the Office Action, Applicant respectfully submits that claims 22-24 and 28 were improperly rejected based on restriction discussed above. Applicant respectfully submits that claims 22-24 and 28 are not broader than original claim 1. For example, claims 22-24 and 28 further limit claim 1 by reciting “a sleeve,” “a clip,” and the relationship between these two recited elements. Accordingly, withdrawal of the rejection and allowance of all the claims is respectfully requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

*Respectfully submitted,*

  
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